Remarks

[0001] Herein, the "Action" or "Office Action" refers to the Office Action date March 6, 2007.
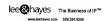
[0002] Applicant respectfully requests reconsideration and allowance of all pending claims of the application. Claims 1-65 are presently pending. Claims amended herein are 1-25 and 49. Claims withdrawn or canceled herein are None. New claims added herein are None.

Formal Objections

Claim Objections

[0003] <u>Claim 48</u> is objected to as being of improper dependent form (*Office Action,* p.2). In response, Applicant respectfully submits that claim 48 is similar to an acceptable product-by-process claim in that it defines a computer-readable medium having computer-executable instructions which direct a computer to perform the method set forth in claim 25. The method is thus physically embodied in a computer-readable medium. Claim 48 is proper in its construction in that it references and is dependent from previous claim 25, and still further defines the product created having embodied thereon the method in claim 25. Moreover, the metes and bounds of claim 48 are clearly set forth in the method of claim 25 from which claim 48 depends.

[0004] The fourth paragraph of 35 U.S.C. §112 requires "a claim in dependent form shall contain a reference to a claim previously set forth

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and then specify a further limitation of the subject matter claimed." Claim 48 satisfies this statutory requirement. Claim 48 is written in a format that defines, in dependent form, a computer-readable medium to perform a method, thus enabling the performance of the methods set forth in claim 25.

[0005]   The format of claiming a computer-readable medium with instructions to perform a method, or a computer programmed to perform the method, was approved in *In re Beauregard*, 35 USPQ2d 1383 (Fed. Cir. 1995). The primary difference between the *Beauregard* claims and claim 48 is that claim 48 is written in a dependent format. Often this format raises an initial concern because the preambles of the dependent claims differ from the base claims. However, the present dependent claims also comply with a format approved by the Board of Patent Appeals and Interferences in *Ex parte Adrianus P.M.M. Moelands*, 3 USPQ2d 1474 (PTO Board of Pat App and Int 1987). In *Moelands*, the Board upheld as appropriate the following dependent claim to a data transmission system:
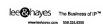
> Claim 11.   A data transmission system comprising:
>   at least two of the data transmission stations of claim 10;
>   a clock bus interconnecting the clock terminals of the stations; and
>   means which maintain the clock bus at the second voltage level in the absence of forcing by the stations.

[0006]   Although the preamble in *Moelands'* claim 11 to a "data transmission system" is different than the preamble in claim 10 to a "data

transmission station" (from which claim 11 depends), the Board held that this dependent claim format satisfies the statutory requirements of both the second and fourth paragraphs of 35 U.S.C. §112.

[0007]   Accordingly, claim 48 is in an acceptable dependent format. Applicant respectfully requests that the objection to claim 48 be withdrawn.

Substantive Claim Rejections

35 U.S.C. §101 Claim Rejections

[0008]   Claims 1-24 are rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter (*Office Action,* p.2). Appropriate correction has been made.

35 USC § 102 Claim Rejections

[0009]   Claims 1, 2, 4, 9, 10, 14-22, 25, 26, 28, 34, 38-46, 48-50, 52, 57, 58, and 61-64 are rejected under 35 U.S.C. §102(b) as being anticipated by a non-patent publication by Andy Rathbone, entitled "Windows ® XP for Dummies" (*hereinafter* "Rathbone") (*Office Action* p. 3).

[0010]   Applicant respectfully traverses the rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

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[0011] **Claim 1** recites a user interface for depiction by a display of a computing system, the user interface for enhancing a computing session by providing seamless continuity when a user logs onto the computing system, the user interface comprising:

> a logon page which is displayed to the user prior to logging onto the computing system, the logon page including a user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is associated with a selectable logon control on the logon page; and
> a user interface start page displayed in response to user selection of the selectable logon control via the logon page, the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page, wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition and throughout the second transition, and wherein the user interface start page further includes user-selectable controls from one or more regions of the desktop page which is displayed after the second transition, each of the user selectable controls configured to initiate a display of information associated with the user when selected.

[0012] In order for Rathbone to anticipate this claim, Applicant submits that Rathbone must disclose each and every element and feature of the claim and that they must be arranged in the same manner as the claim. Applicant respectfully submits that Rathbone does not disclose all of the claimed elements and features of claim 1. For example, Rathbone does not show or disclose "a user interface start page displayed in

response to user selection of the selectable logon control via the logon page, the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page," as recited in claim 1.

[0013]   To support its assertion of anticipation, the Office cites to Fig. 4-3 of Rathbone. The figure indicated by the Office shows that, in Windows XP, various programs can be accessed when a user selects the start button at the desktop page, the caption for the figure states that "[t]he start button in Windows XP hides dozens of menu for starting programs." (*Office Action*, p.3; *Rathbone*, p.66). The menu displayed in Fig. 4-3 of Rathbone is available only after the user has logged in and is at the user's desktop page. More specifically, the menu displayed in Fig. 4-3 of Rathbone is displayed after a user has selected the start button <u>from the user's desktop page</u>. As such, Rathbone does not disclose "<u>a user interface start page displayed in response to user selection of the selectable logon control via the logon page</u>", as recited in claim 1.

[0014]   Further, Rathbone does not show or disclose that the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition (*i.e.,* the transition from the logon page to the user interface start page) and throughout the second transition (*i.e.,* the transition from the user interface start page to the desktop page), as recited in claim 1.

[0015] Instead, as previously described, the menus of Fig. 4-3 of Rathbone are available from the user's desktop page. When the user selects the start button from the desktop page, the menu for starting programs appears. As such, Rathbone does not disclose "the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page, wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition and throughout the second transition", as recited in claim 1.

[0016] Further, since Rathbone does not describe the user interface start page recited in claim 1, it can not show or disclose, "wherein the user interface start page further includes user-selectable controls from one or more regions of the desktop page which is displayed after the second transition, each of the user selectable controls configured to initiate a display of information associated with the user when selected", as recited in claim 1.

[0017] Accordingly, claim 1 is allowable over Rathbone for at least these reasons, and Applicant respectfully requests that the §102 rejection be withdrawn.

[0018]   **Claims 2, 4, 9, 10, and 14-22** are allowable by virtue of their dependency upon claim 1 (either directly or indirectly). Additionally, some or all of claims 2, 4, 9, 10, and 14-22 may be allowable over Rathbone for independent reasons.

[0019]   **Claim 25** recites a method for providing seamless continuity when a user logs onto a computing system, the method comprising:

> displaying a logon page to the user, the logon page including a user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is associated with a selectable logon control on the logon page;
> displaying a user interface start page in response to user selection of the selectable logon control via the logon page, the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page, wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user, and wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition and throughout the second transition; and
> displaying user-selectable controls on the user interface start page that are included in one or more regions of the desktop page which is displayed after the second transition, each of the user selectable controls configured to initiate a display of information associated with the user when selected.

[0020]   Claim 25 is rejected for reasons similar to those presented in the rejection of claim 1 (*Office Action*, p.3). Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claim 1, Rathbone does not disclose all of the claimed

elements and features of claim 25. For the sake of brevity, Applicant has not repeated the arguments.

[0021] Accordingly, claim 25 is allowable over Rathbone for at least these reasons, and Applicant respectfully requests that the §102 rejection be withdrawn.

[0022] **Claims 26, 28, 34, and 38-46** are allowable by virtue of their dependency upon claim 25 (either directly or indirectly). Additionally, some or all of claims 26, 28, 34, and 38-46 may be allowable over Rathbone for independent reasons.

[0023] **Claim 49** recites One or more computer readable media comprising computer executable instructions that, when executed, direct a computing device to:

> display a logon page to the user, the logon page including a user-identifiable indicator corresponding to the user, wherein the user-identifiable indicator is associated with a selectable logon control on the logon page; and
> display a user interface start page in response to user selection of the selectable logon control via the logon page, the user interface start page displayed to the user after a first transition from the logon page but prior to a second transition to a desktop page, wherein the user interface start page and the desktop page each include the user-identifiable indicator corresponding to the user, and wherein the user-identifiable indicator is displayed uninterrupted throughout the first transition and throughout the second transition; and
> display user-selectable controls on the user interface start page that are included in one or more regions of the desktop page which is displayed after the second transition, each of the user selectable controls configured to initiate a display of information associated with the user when selected.

[0024] Claim 49 is rejected for reasons similar to those presented in the rejection of claims 1 and 25 (*Office Action*, p.3). Applicant respectfully submits that based on reasoning similar to that discussed above in response to the rejection of claims 1 and 25, Rathbone does not disclose all of the claimed elements and features of claim 49. For the sake of brevity, Applicant has not repeated the arguments.

[0025]   Accordingly, claim 49 is allowable over Rathbone for at least these reasons, and Applicant respectfully requests that the §102 rejection be withdrawn.

[0026]   **Claims 50, 52, 57, 58, and 60-64** are allowable by virtue of their dependency upon claim 49 (either directly or indirectly). Additionally, some or all of claims 50, 52, 57, 58, and 60-64 may be allowable over Rathbone for independent reasons.

35 U.S.C. §103 CLAIM REJECTIONS

[0027]   Claims 3, 5-8, 23, 24, 27, 29-32, 47, 51, 53-56, and 65 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rathbone (*Office Action*, p.9). Applicant respectfully traverses the rejection.

[0028]   Claims 11-13, 35-37, and 59 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rathbone, in view of a non-patent publication by Richart, entitled "The Complete Idiots Guide® to Linux, Second Edition" (*hereinafter* "Richart") (*Office Action*, p. 14).

[0029]   Claims 22, 46, and 64 are rejected under 35 U.S.C. §103(a) as being unpatentable over Rathbone, in view of a non-patent publication by Grebler, entitled "Lindows Fast & Easy" (*hereinafter* "Grebler") (*Office Action*, p. 17).

[0030] Applicant respectfully traverses the §103 rejections, and requests reconsideration and allowance in light of the comments and amendments contained herein. Accordingly, Applicant requests that the rejections be withdrawn and that the case be passed along to issuance.

[0031] The Applicant notes that none of claims rejected under §103 are independent claims, and that each of these claims ultimately depend from one of the independent claims (*i.e.,* claims 1, 25, and 49). Applicant further notes that it is axiomatic that any dependent claims which depend from an allowable base claim are also allowable, and therefore the Applicant does not believe that it is necessary to present arguments in favor of each of the claims rejected under §103, as these claims should be allowable for at least the reasons discussed above in response to rejection of the independent claims, as well as for their own recited features which are neither shown nor supported by the cited references.

[0032] Further, regarding claims 3, 5-8, 23, 24, 27, 29-32, 47, 51, 53-56, and 65, Applicant notes that Rathbone fails to cure the deficiencies described above with respect to the §102 rejections of claims 1, 25, and 49. Accordingly, Applicant requests that the §103 rejection be withdrawn and that claims 3, 5-8, 23, 24, 27, 29-32, 47, 51, 53-56, and 65 be allowed in the next Action.

[0033] Further, regarding claims 11-13, 35-37, and 59, Applicant notes that Richart fails to cure the deficiencies described above with respect to Rathbone, and the §102 rejections of claims 1, 25, and 49.

Accordingly, Applicant requests that the §103 rejection be withdrawn and that claims 11-13, 35-37, and 59 be allowed in the next Action.

[0034]   Further, regarding claims 22, 46, and 64, Applicant notes that Gerber fail to cure the deficiencies described above with respect to Rathbone, and the §102 rejections of claims 22, 46, and 64. Accordingly, Applicant requests that the §103 rejection be withdrawn and that claims 22, 46, and 64 be allowed in the next Action.

Dependent Claims

[0035]   In addition to its own merits, each dependent claim is allowable for the same reasons that its base claim is allowable. Applicant submits that the Office withdraw the rejection of each dependent claim where its base claim is allowable.

Conclusion

[0036]   All pending claims are in condition for allowance. Applicant respectfully requests reconsideration and prompt issuance of the application.   If any issues remain that prevent issuance of this application, the Office is urged to contact the undersigned attorney before issuing a subsequent Action.

Respectfully Submitted,

Dated: _6-5-2007_   By: _____

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